

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL NO. 1:93CR21-1

**FILED**  
ASHEVILLE, N. C.

**AUG 30 2005**

UNITED STATES OF AMERICA )

VS. )

DREW H. BRINSON )

**ORDER**

U.S. DISTRICT COURT  
W. DIST. OF N. C.

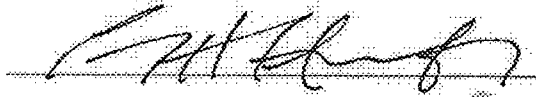
**THIS MATTER** is before the Court on the Defendant's motion for a hearing to "review federal sentence under current Guidelines" filed August 10, 2005.

Pursuant to a plea agreement, the Defendant entered a guilty plea to bank robbery on May 3, 1994, and was sentenced on the same date by Hon. Terrence Boyle, U.S. District Court Judge, Eastern District of North Carolina, sitting by designation in this District, to a 20-year term of imprisonment. **Judgment in a Criminal Case, filed May 3, 1994.** The Defendant did not file an appeal or otherwise challenge his conviction and sentence until the filing of the instant pleading.

The Defendant specifically states that his motion "is in no way a collateral attack" upon his sentence. Rather, he asks that the Court "review the Guidelines under which he was sentenced" and alleges that he did not understand at the time he entered his plea what an "upward departure" meant in terms of his sentence. The Defendant cites no authority for his request; furthermore, the Court knows of no rule or statute that confers such authority to the Court for the reasons stated by the Defendant.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion is **DENIED**.

**Signed: August 22, 2005**

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

